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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

RICHARD TOM, a/k/a Rich Tom

Debtor.

SSN: XXX-XX-8585

Case No. 19-31024 HLB

Chapter 7

A.P. No. 19-03065

**LORAIN WONG, KENDALL NG and
MARK NG**

Plaintiffs.

vs.

RICHARD TOM,

Defendant

**STIPULATION TO EXTEND
DEADLINES**

Place: Telephonic/ Videoconference
Courtroom 19
450 Golden Gate Avenue
16th Floor
San Francisco, CA
Judge: Hon. Hannah L. Blumenstiel

1 This stipulation is entered into by and between Defendant RICHARD TOM ("Defendant"),
2 by and through counsel, on one hand, and LORAIN WONG, KENDALL NG, and MARK NG
3 ("Plaintiffs") by and through counsel, on the other (collectively "the Parties").

4 **RECITALS**

5
6 A. On November 12, 2020, the Court entered its Scheduling Order (**Dkt. No. 23**), setting,
7 *inter alia*, discovery deadlines as follows:

8 DATE AND TIME OF TRIAL:	TBD
9 TIME RESERVED FOR TRIAL:	TBD
10 FACT DISCOVERY DEADLINE:	July 2, 2021
11 DISPOSITIVE MOTION DEADLINE:	60 DAYS AFTER FACT DISCOVERY DEADLINE²
12 EXPERT DISCLOSURES:	60 DAYS AFTER FACT DISCOVERY DEADLINE
13 REBUTTAL EXPERT DISCLOSURES:	90 DAYS AFTER FACT DISCOVERY DEADLINE
14 EXPERT DISCOVERY DEADLINE:	120 DAYS AFTER FACT DISCOVERY DEADLINE
15 PRE-TRIAL CONFERENCE:	November 4, 2021; 2:00 p.m.
16 OTHER PROVISIONS:	The parties shall complete some form of alternative dispute resolution no later than October 29, 2021.

17
18 B. The Court Amended that Schedule on July 2, 2021, following a stipulation by the
19 parties, as set forth below:

20 2. The Nov. 12 Scheduling Order is hereby **AMENDED** as follows:

- 21 a. Fact Discovery Deadline: **October 1, 2021;**
22 b. Dispositive Motion Deadline: **December 3, 2021;**
23 c. Expert Disclosure Deadline: **December 3, 2021;**
24 d. Rebuttal Expert Disclosure Deadline: **January 7, 2022;**
25 e. Expert Discovery Deadline: **February 4, 2022;**
26 f. Pre-Trial Conference: **February 17, 2022 at 2:00 p.m.**

27 **Other Provisions:** The parties shall complete some form of alternative dispute
28

1 resolution no later than **December 3, 2021**.

2 **3.** All other provisions of the Nov. 12 Scheduling Order shall remain in full force and
3 effect.

4
5 C. The Court further AMENDED the scheduling order on September 21, 2021 as follows:
6 The Nov. 12 Scheduling Order, AMENDED on July 2, 2021, is hereby AMENDED as
7 follows:

- 8 a. Fact Discovery Deadline: December 1, 2021;
9 b. Dispositive Motion Deadline: February 3, 2022;
10 c. Expert Disclosure Deadline: February 3, 2022;
11 d. Rebuttal Expert Disclosure Deadline: March 7, 2022;
12 e. Expert Discovery Deadline: April 4, 2022;
13 f. Pre-Trial Conference: April 21, 2022 at 2:00 p.m.

14 Other Provisions: The parties shall complete some form of alternative dispute resolution no
15 later than February 3, 2022.

16 D. The Parties have both propounded written discovery in this matter.

17 E. The Parties extended the fact discovery stipulation to January 1, 2022.

18 F. The Parties wrote to the Court regarding a discovery dispute on December 30 and
19 December 31, 2021 regarding the depositions of third parties Green Oasis, L.P. and Pacific Golden
20 Asia LLC, that Plaintiffs allege are related to and under the control of Defendant. Plaintiffs
21 requested extension of the discovery deadline in order to take those depositions.

22 G. On January 4, 2022, the Court entered an order on that discovery dispute and continued
23 the fact discovery deadline as follows: "The Fact Discovery Deadline is hereby EXTENDED
24 through March 18, 2022. In all other respects, the court's November 2020 Scheduling Order (as
25 amended by the parties' various stipulations) remains in full force and effect." Docket Number 36.

26 H. On February 3, 2022, the Parties stipulated via e-mail to move the depositions of the
27 person most knowledgeable of Green Oasis, L.P. and Pacific Golden Asia from Feb. 7 and Feb. 9 to
28

1 Feb. 16 and Feb. 17, due to continued health complications of the Person Most Knowledgeable of
2 Green Oasis, L.P. and Pacific Golden Asia LLC, and to allow her additional time to locate
3 documents. The Parties at the same time stipulated to extend fact discovery by an additional two
4 weeks from March 18, 2022 to April 1, 2022

5 I. This case involves alleged fraudulent transfers by the Defendant of his interest in
6 Green Oasis, LP. Plaintiffs allege that Defendant transferred a 32% interest in Green Oasis, LP. In
7 order to prove damages related to the alleged fraudulent transfer, Plaintiffs will have to retain and
8 disclose an expert on the value of the transfer of the 32%. Since the depositions of Green Oasis and
9 Pacific Golden Asia involve the assets and value of Green Oasis Limited Partnership, Plaintiffs will
10 need to provide that discovered information to their expert.

11 J. The expert discovery deadline is currently February 3, 2022, and the depositions of
12 Green Oasis and Pacific Golden Asia were previously set for February 7, 2022 and February 9,
13 2022, and have just recently been continued to February 16 and February 17, 2022 to accommodate
14 the deponent's health condition resulting from recovery from COVID. Therefore, good cause exists
15 to continue the expert disclosure and related to deadlines in order to allow Plaintiffs to provide their
16 expert with the documents and information from those depositions, and allow time for their expert
17 to analyze that information.

18 K. Plaintiffs reserve the right to seek further continuances of the discovery deadlines if
19 Green Oasis, LP is uncooperative in its deposition or in the production of documents.

20 L. Based on the above good cause, and pending the Court's approval and availability, the
21 Parties agree to continue pre-trial and trial dates and deadlines as follows, or as soon thereafter as
22 the Court deems reasonable.

23 M. In light of the foregoing, good cause exists for a brief continuance of trial, discovery,
24 and related deadlines.

25 NOW THEREFORE, in light of the foregoing, the Parties agree and stipulate as follows:
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27
28

STIPULATION

1. The Nov. 12 Scheduling Order, AMENDED on July 2, 2021, further AMENDED on September 21, 2021, is hereby AMENDED as follows:

- a. Fact Discovery Deadline: April 1, 2022;
- b. Dispositive Motion Deadline: April 28, 2022;
- c. Expert Disclosure Deadline: April 28, 2022;
- d. Rebuttal Expert Disclosure Deadline: May 30, 2022;
- e. Expert Discovery Deadline: June 27, 2022;
- f. Pre-Trial Conference: July 14, 2022 at 2:00 p.m.

Other Provisions: The parties shall complete some form of alternative dispute resolution no later than April 28, 2022.

3. All other provisions of the Nov. 12 Scheduling Order shall remain in full force and effect.

IT IS SO STIPULATED.

Dated: Feb. 3, 2022

BELVEDERE LEGAL, PC

By: /s/ Matthew D. Metzger
Matthew D. Metzger
Attorney for Defendant Richard Tom

Dated: Feb. 3, 2022

DIEMER & WEI, LLP

/s/ Kathryn S. Diemer
Kathryn S. Diemer
Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 I, Paul Johnson, the undersigned, hereby declare:

3 I am the attorney for Loraine Wong, Kendall Ng and Mark Ng, Plaintiffs in the above-
4 captioned Adversary Proceeding No. 19-03065 HLB, with offices at 55 S. Market Street, Suite
5 1420, San Jose, CA 95113.

6 On Feb. 3, 2022, I caused to be served true copies of **STIPULATION TO EXTEND**
7 **DEADLINES** on the following individuals and entities that receive notice pursuant to the
8 Bankruptcy Court's CM/ECF electronic noticing system:

9

Name	Email Address
Matthew Metzger	mmetzger@belvederelegal.com

10
11

12
13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct.

15 Executed on Feb. 3, 2022 at San Jose, California.

16 /s/ Paul Johnson
17 Paul Johnson